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LETTER DATED 21 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the copy of a letter dated 21 March 1994 from Mr. Jaba Ioseliani, member of Parliament of the Republic of Georgia, Chairman of the Temporary Emergency Committee to the Head of State of the Republic of Georgia and head of the Georgian delegation to the Geneva negotiations.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Peter P. CHKHEIDZE
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative

Annex

Letter dated 21 March 1994 from a member of Parliament of the Republic of Georgia, Chairman of the Temporary Emergency Committee to the Head of State of the Republic of Georgia and head of the Georgian delegation to the Geneva negotiations to the President of the Security Council

Let me begin by thanking you for your great contribution towards achieving a peaceful settlement of the conflict in Abkhazia.

I would like to express my satisfaction with the constructive and objective spirit of "document 1994/253, dated 3 March 1994" which contains a clear, distinct description of the barriers that the Gudauta group persists in employing to hinder the achievement of viable progress in Geneva.

Let me emphasize that the Gudauta group does not want to see a successful conclusion to the Geneva negotiations and, most importantly, does not want a deployment of United Nations forces in order to provide the means for a dignified and safe return of the displaced and refugees, but rather to further its violation of Georgia's territorial integrity and to camouflage filtration of those being repatriated. The separatists hope to preserve the existing artificial situation in order to effect an irreversible change in the demographic structure of the region.

It was mentioned in a Security Council meeting that the deployment of United Nations troops to the region and the return of the displaced and refugees are interrelated issues and that a humanitarian approach toward these issues calls for their reconciliation as soon as possible. I would like to underline that, in resolution 901 (1994) adopted on 4 March 1994, the Security Council asked the Secretary-General to submit a report to the Council by 21 March 1994 containing information on "any progress" achieved in the Geneva negotiations, information on the situation on the ground, and noting any circumstances that could influence the decision to create and deploy United Nations forces.

We are assured that the Security Council has properly estimated the existing situation and has established favourable conditions to facilitate the deployment of United Nations forces.

We are well aware that, according to the rules of procedure for the deployment of such forces, the agreement of both sides is required, as well as evidence of progress in the negotiation process. In the memorandum of understanding (see S/26875, appendix) and communiqué (see S/1994/32, annex), both sides call for a United Nations peace-keeping force; therefore, the former condition is satisfied. As for the latter condition, considering the difficulties of this situation, what would count as "any progress"?

During the third round of negotiations in Geneva and New York, two documents were at the centre of attention: a mutual "declaration" (see S/1994/253, annex) and the "quadripartite agreement on voluntary return and repatriation". We hold the view that the first document reflects some progress

achieved during the talks, confirmed by paragraphs 3, 4, 8, 9, 10 and 11 thereof. In particular, let me underline paragraph 5, which mentions the creation of a permanent committee whose purpose is to draw up proposals regarding the political and legal status of Abkhazia.

These are the competencies that we are prepared to guarantee Abkhazia:

(a) The territory cannot be changed without the consent of the Abkhaz State Authorities;

(b) The right to its own Constitution;

(c) The right to have its own official State language or languages;

(d) The right to official State symbols;

(e) The right to representation in the governing bodies of the Republic of Georgia;

(f) Respect of the rights of the multiethnic population of Abkhazia;

(g) Broad local self-governance.

In addition to the above-mentioned, according to the Georgian Constitution and within the framework of the laws of Abkhazia, we are prepared to guarantee:

(a) The right to determine the structure of its own local and supreme State governing bodies;

(b) The right to its own legislation;

(c) The right to initiate legislation in the supreme State governing bodies of the Republic of Georgia.

For the purpose of broadening the political and legal status of Abkhazia, and to vest its competencies with real and substantive power, we are prepared to divide the governing competencies between the State governing bodies of the Republic of Georgia and of Abkhazia. To this end, it is necessary to determine:

(a) The exclusive competencies of Abkhazia;

(b) The exclusive competencies of the Republic of Georgia;

(c) Mutual competencies.

We are prepared to extend exclusive competencies to both the Republic of Georgia and Abkhazia defined within the framework of world constitutional practice. The legitimization of the mechanism of the division of competencies should be effected according to the Law on Abkhazia. This law should be approved either by a special body created by both of the opposing sides in the conflict, or by a referendum with the participation of the entire population of Abkhazia, approved of by the Georgian Parliament (protection of such agreements

should be guaranteed by the United Nations and the Conference on Security and Cooperation in Europe).

The repatriation agreement proposed by the Abkhaz side is unacceptable to us because of restrictive features that would prevent many of the displaced persons and refugees from returning to their places of legal residence. Some members of almost every family fought to maintain the territorial integrity of their homeland, and many today still remain members of armed formations. All, however, are anxiously awaiting a peaceful settlement and are ready to lay down their arms and return to their homes. The type of selectivity that the Gudauta group would impose is specifically aimed at these citizens.

These groundless demands of the Abkhaz separatists were rejected by the Security Council, whose resolution 896 (1994) recognizes the rights of the displaced persons and refugees to return without any preconditions being imposed.

We can truly say, then, that the Geneva talks have been brought to an impasse by the Gudauta group.

It is our position that United Nations forces should immediately be deployed throughout the entire region of Abkhazia, and the talks on the return of the displaced and refugees continued. If not, then hundreds of thousands of devastated people will re-enter the zone of conflict and render it impossible to keep the peace.

The deployment of United Nations forces throughout Abkhazia will bring an end to the current atmosphere of terror and force the separatists to fulfil those commitments made in the memorandum and communiqué.

Taking all of the above-mentioned into account, we still think that it is possible to resume discussions on the "declaration" and the "quadripartite agreement". Nevertheless, if the Abkhaz side should succeed in sabotaging the signing of an agreement, then either one of the two versions of the declaration we proposed should be sufficient for the Security Council to base a decision on regarding deployment of forces throughout Abkhazia.

The allegations that a resolution adopted by the Georgian Parliament dissolving the Abkhaz Parliament should create difficulties in the continuation of the negotiation process is simply not true. Let me clarify that that resolution mentions dismissal of the presently existing parliament of the Abkhaz Autonomous Socialist Republic, and does not affect the present questions of Abkhaz statehood. We have always negotiated with the opposite side, as we shall continue to do in the future, not as with a power de jure, but an adversary de facto. Indeed could we consider as legitimate a "power" which for two years has permitted only 32 deputies out of a total of 64 to conduct business while the other half remain forcibly driven beyond its borders? According to the apartheid election laws with firmly determined quotas of representation, the exiled deputies represent 300,000 citizens, while those remaining represent only 160,000, or no more than 30 per cent of the total population of Abkhazia before the war.

Time is our enemy, and the situation justifies extraordinary measures. It is abundantly clear to all how localized hot spots and aggressive separatism can lead to large-scale hostilities. We hope that you will take into consideration the arguments addressed herein, and that you would continue to do your best to help us to achieve a peaceful settlement of the conflict in Abkhazia as soon as possible.

(Signed) Jaba IOSELIANI
Member of Parliament,
Chairman of the Temporary Emergency
Committee to the Head of State,
Head of the Georgian Delegation to the
Geneva Negotiations